

# 2011 SESSION

INTRODUCED

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## HOUSE BILL NO. 1459

Offered January 12, 2011

Prefiled November 30, 2010

*A BILL to amend and reenact § 8.01-581.15 of the Code of Virginia, relating to limitation on recovery in certain medical malpractice actions.*

Patrons—Albo, Armstrong, Garrett, Hope, Keam, O'Bannon, Rust and Stolle; Senator: Northam

Referred to Committee for Courts of Justice

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 8.01-581.15 of the Code of Virginia is amended and reenacted as follows:**

§ 8.01-581.15. Limitation on recovery in certain medical malpractice actions.

In any verdict returned against a health care provider in an action for malpractice where the act or acts of malpractice occurred on or after ~~August 1, 1999~~ *July 1, 2012*, which is tried by a jury or in any judgment entered against a health care provider in such an action which is tried without a jury, the total amount recoverable for any injury to, or death of, a patient shall not exceed ~~\$1.5~~ *\$2.05* million. The maximum recovery limit of ~~\$1.5~~ *\$2.05* million shall increase on July 1, ~~2000~~ *2013*, and each July 1 thereafter by \$50,000 per year; ~~however, the annual increase on July 1, 2007, and the annual increase on July 1, 2008, shall be \$75,000 per year.~~ Each annual increase shall apply to the act or acts of malpractice occurring on or after the effective date of the increase. The July 1, ~~2008~~ *2013*, increase shall be the final annual increase.

Where the act or acts of malpractice occurred prior to ~~August 1, 1999~~ *July 1, 2012*, the total amount recoverable for any injury to, or death of, a patient shall not exceed the limitation on recovery set forth in this statute as it was in effect when the act or acts of malpractice occurred.

In interpreting this section, the definitions found in § 8.01-581.1 shall be applicable.

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